

**Constitutional Defense Council
Meeting Minutes
June 18, 2009**

Attendees

Members:

Lt. Governor Gary Herbert
Dennis Stowell
Mike Noel
Ray Hintze
David Ure
Jim Gowans
Riley Cutler
Leonard Blackham
Mike McKee
Clare Ramsay
Jim Eardley
Mike Styler
Bart Whatcott

Guests:

Brent Gardner
Alan Gardner
Mark Ward
Mark Habbeshaw
Ivan Djambov
Maloy Dodds
Amy Couvall
John Andrews

Staff:

John Harja
Mike Mower
Judy Edwards
Rick Rathbun
Tiffany Pezzulo
Tani Downing
Debby Montgomery

- Senator Dennis Stowell called the meeting to order at 11:05 am.

Approval of Agenda: Motion was made to approve the Agenda, motion passed.

Welcome by Lieutenant Governor Gary Herbert, Chair of the Council, who joined the meeting.

Approval of May 26, 2009 Minutes: Motion to approve the May minutes was made by Representative Noel, seconded by Commissioner Eardley. Motion passed.

Updated Roads Plan:

- Harry Souvall, legal counsel for the RS 2477 Roads Project, briefly spoke to the Council concerning the annual draft plan for the project. He noted the plan proposes to continue the process of gathering evidence, and obtaining recognition of the rights-of-way through administrative efforts, congressional action or litigation in court. Representative Mike Noel questioned how the state will be supporting the litigation with half ownership in the counties and half in the state. John Harja explained the process of gathering evidence, reviewing it for veracity and sufficiency, and recording an acknowledgement and seeking federal recognition. The effort would certainly have to have the support of the Governor before proceeding. The state and counties should be partners in any Quiet Title action. Harja further explained that to participate, a county must ask to be included, by letter. The recognition effort could involve litigation, or seeking appropriate legislation. The motion was made to postpone a decision concerning

the RS 2477 Updated Plan until all had a chance to review it. The Plan will be discussed at the August 20th Constitutional Defense Council meeting. If any amendments are requested, contact Harry Souvall prior to the next meeting. Motion was made to postpone consideration approval until the August meeting. Passed unanimously.

Reports from PLPCO and Others

- The Director of the Public Lands Policy Coordination Office, John Harja reported on the Ashley Travel Management Plan noting an extension of time for the submission of comments on the Draft was granted.
- Harja noted Mike Poole, Acting Director of the Bureau of Land Management, is putting together a team to review O & G parcels withdrawn from the lease procedure last year for further study of the disposition of the parcels. Harja further reported that the Nine Mile Canyon parcels may be offered pending these studies.
- Mike McKee reported the Ashley Travel Management Plan is proposing severe reductions in the availability of forest lands for recreation. This could affect the quality of life for citizens, and the economy of the local area.
- Lieutenant Governor Herbert reported he had met with Secretary of the Interior Salazar and David Hayes at the WGA conference and he plans to continue the talks in Washington in the near future. He expressed concern over the lack of process involved noting there should always be a positive outcome if procedures are followed. Mike Noel noted pressure should be placed on the BLM, as they are holding approximately 90 million dollars of lease monies, half of which will be coming to the state. Harja stated that particular issue is in the hands of the solicitors' office. The Lt. Governor requested any arguments be given him prior to his meeting with Secretary Salazar. He also requested Brent Gardner organize all the counties to work with the commission for a presentation to Salazar.
- Harja noted the Utah State University Grazing Study it is not yet complete.

Other Business

- Senator Stowell requested an in depth study of road closures throughout the state involving both the Forest Service and BLM .
- McKee noted the importance of the state water issues. There is a proposal to take 250,000 cubic feet annually from the Green River and divert to Denver. The Lt. Governor requested specific issues in dealing with the states' water resources.

Public Comments: None

- **Next Meeting:** Scheduled for August 20, 2009 at 11:00 am.
- **Adjournment:** Meeting adjourned at 11:55am.